

Application Ser. No.: 10/824,030
Filing Date: April 14, 2004
Examiner: Owens, Amelia A.

Remarks

In the Office Action, the Examiner noted that claims 1 to 20 are pending in the application; claims 1, 3-8, 15-19 are rejected; and that claims 2, 9-14 and 20 are objected to. By this amendment, claims 1, 3, 7, 8, 11, 15, 16, 18 and 19 have been amended. Thus, claims 1 to 20 are pending in the application. No new subject matter has been inserted through these amendments. All of the amendments are fully supported by the specification and are discussed in detail below. The Examiner's rejections are traversed below.

Rejection Under 35 U.S.C. § 112, Second Paragraph

Claims 1, 3-8, 15, 16-19 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Specifically, the Examiner has noted that claim 1 has an internal period at line 19, which has been replaced with a semicolon.

The examiner also states that the transitional term "comprising" is open-ended and does not exclude additional unrecited elements or method steps. The undersigned initiated a phone call to the Examiner to clarify on this issue on March 24, 2005. During teleconference with the Examiner, the undersigned stated that such transitional phrase is routinely used especially in a process claims such as the case in the instant application. The Examiner concurred with this view and indicated that such transitional phrase can be used in this instant case. The undersigned acknowledges with much appreciation the courtesies extended by the Examiner during this teleconference. However, a few of the affected claims have been amended in order to place them in better form for allowance. For instance, claims 7-8 and 18-19 have been amended to replace the term 'comprises' with 'is present.'

The Examiner has also objected to claims 15-16 which contain the term 'derivative'. In claim 15, the phrase 'chosen by derivatives of' has been replaced with

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'chosen from,' as it aptly describes the compounds that are selected from. In claim 16, the term 'derivative' is replaced with 'compound', as suggested by the Examiner.

Finally, the Examiner states that the term 'molecular sieve' used in claims 1, 3-6 and 17 is indefinite. As discussed with the Examiner over the phone on March 24, 2005, Applicants have clearly noted that the molecular sieves that are suitable in this invention are the ones having a pore size of 4 Å and especially as activated powder (see amended claim 3 and original claim 4). Please see support for this in the specification at page 7, lines 12-13. Accordingly, affected claims have been amended to recite this specific aspect.

However, claim 1 does not recite the term 'molecular sieve' and no such amendment was needed. Claim 3 has been amended to include the limitation of a molecular sieve having a pore size of 4 Å. Such a limitation is already present in claims 4 and 17, and therefore, no amendment has been made to claims 4 and 17. Claims 5 and 6 respectively depend directly upon claims 3 and 4, and thus incorporate all of the limitations of claims 3 and 4.

Claim 11 also contained the recitation of molecular sieve and depended upon claim 1. Because of the fact that there is no antecedent for molecular sieve in claim 1, claim 17 has been amended to depend upon claim 3, and thus incorporates all of the limitations of claim 3. Finally, claim 16 also contained a recitation of 'molecular sieve' which has been amended to recite as '4 Å molecular sieve.'

In view of the foregoing arguments and explanations, it is respectfully submitted that claims 1, 3-8, 15, and 16-19, as amended, fully satisfy the requirements of 35 U.S.C. § 112, second paragraph. Accordingly, withdrawal of this rejection as to claims 1, 3-8, 15, and 16-19 is respectfully requested.

Allowable Subject Matter

Applicants acknowledge with much appreciation allowance of claims 2, 9-14 and 20. However, as argued above, claims 1, 3-8, 15, and 16-19, as amended, are also in

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condition for allowance. Therefore, it is submitted that all of the pending claims 1-20 are in condition for allowance and such an action is earnestly solicited.

Conclusions

In view of the above Remarks, it is respectfully submitted that claims 1 to 20 are now in condition for allowance and the early issuance of this case is respectfully requested. In the event the Examiner wishes to contact the undersigned regarding any matter, please call (collect if necessary) the telephone number listed below.

Applicants believe there are no fees due for this Rule 111 Amendment. However, if the Examiner deems that fees are due, please charge these fees to Deposit Account No. 18-1982 for Aventis Pharmaceuticals Inc. Bridgewater, NJ. Please credit any overpayment to Deposit Account No. 18-1982.

Respectfully submitted,

March 24, 2005

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